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10/734,137	12/15/2003	Yoshikazu Kawamoto	1341.1165	9242

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EXAMINER	
AU, GARY	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/734,137	KAWAMOTO, YOSHIKAZU	
	Examiner	Art Unit	
	Gary Au	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *02 February 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,3-6 and 17-21* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,3-6 and 17-21* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *5/6/2009 and 10/2/2008*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 3-6 and 17-21 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1, 3-6, 17 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,690,940 Brown et al. (Brown), US Patent No. 7,142,877 (Lipovski) and admitted prior art.

Considering claims 1 and 21, Brown teaches a portable communication apparatus (stand-alone electronic device 12 – figure 1, col. 3 lines 25-58) and a method of controlling a communication function of a portable communication apparatus, comprising: inherently teaches a radio communication unit that performs communication over a radio wave (electronic device 12 – figure 1, col. 3 lines 25-58, wherein the electronic device has to have a radio communication unit to receive radio wave); inherently teaches a detection unit configured to receive signals (col. 8 line 57 – col. 9 line 5, wherein the electronic device has to have a detector to detect the signal that

indicate the status of the device) to detect whether the portable communication apparatus is present in any of a non-restricted area that include a first signal (safe signal, col. 8 line 57 – col. 9 line 5) having first frequency (col. 8 lines 42-56, wherein Brown discloses that different frequency is used to distinguish the different signal), a warning area that includes a second signal (predetermined area 32 – figure 3, col. 8 line 57 – col. 9 line 5) having a second frequency (col. 8 lines 42-56, wherein Brown discloses that different frequency is used to distinguish the different signal) and a prohibited area adjacent to the warning area that includes a third signal (area 30 – figure 3, col. 8 line 57 – col. 9 line 5) having a third frequency (col. 8 lines 42-56, wherein Brown discloses that different frequency is used to distinguish the different signal); inherently teaches a notification unit that notifies a user of the portable communication apparatus with a notification when the detection unit detects the signal having the second frequency, the notification indicating that the portable communication apparatus is present in the warning area (col. 7 lines 6-25); and a stop control unit that selectively stops the radio communication unit from performing all radio communication when the stop control unit receives an instruction from the user to stop all radio communication (col. 5 line 62 – col. 6 line 19) and during a period of time in which the detection unit detects the third signal (col. 8 line 57 – col. 9 line 5). However, Brown fails to disclose the signal is a light wave.

In an analogous art, Lipovski teaches the signal is a light wave (control signal 105 – figure 1, col. 2 lines 24-35, wherein the control signal is an ultrasound control signal).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Brown's system to include the signal is a light signal, as taught by Lipovski, for the advantage of selectively preventing the user of wireless communication devices within certain confines or under certain conditions (col. 1 lines 32-44).

However, the combined system of Brown and Lipovski fails to teach the light wave having a predetermined flicker frequency.

It is an admitted prior art that flicker frequency is well known in the art and that a skilled person in the art would understand the benefit of using a flicker frequency.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Brown and Lipovski to include the light wave having a predetermined flicker frequency, as taught by admitted prior art, for the advantage of adapting the right frequency.

Considering claim 3, Brown teaches the system as described above. However, Brown fails to disclose the light waves include an electromagnetic wave.

In an analogous art, Lipovski further teaches the light waves include an electromagnetic wave (col. 2 lines 50-62).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Brown's system to include the light waves include an electromagnetic wave, as taught by Liposvski, for the advantage of selectively

preventing the user of wireless communication devices within certain confines or under certain conditions (col. 1 lines 32-44).

Considering claim 4, Brown teaches the system as described above. However, Brown fails to disclose the electromagnetic wave has a wave frequency defined as light.

In an analogous art, Lipovski teaches the electromagnetic wave has a wave frequency defined as light (infrared, col. 2 lines 50-62).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Brown's system to include the electromagnetic wave has a wave frequency defined as light, as taught by Lipovski, for the advantage of selectively preventing the user of wireless communication devices within certain confines or under certain conditions (col. 1 lines 32-44).

Considering claim 5, Brown teaches the system as described above. However, Brown fails to disclose the electromagnetic wave has a wave frequency defined as infrared.

In an analogous art, Lipovski further teaches the electromagnetic wave has a wave frequency defined as infrared (infrared, col. 2 lines 50-62).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Brown's system to include the electromagnetic wave has a wave frequency defined as infrared, as taught by Lipovski, for the advantage of

selectively preventing the user of wireless communication devices within certain confines or under certain conditions (col. 1 lines 32-44).

Considering claim 6, Brown teaches the system as described above. However, Brown fails to disclose the light waves include an ultrasonic wave.

In an analogous art, Lipovski teaches the light waves include an ultrasonic wave ([0018]).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Brown's system to include the light waves include an ultrasonic wave, as taught by Lipovski, for the advantage of selectively preventing the user of wireless communication devices within certain confines or under certain conditions (col. 1 lines 32-44).

Considering claim 17, Brown teaches a stop cancellation unit that, after radio communication has been stopped, allows the radio communication unit to perform radio communication when the detection unit does not detect the signal having the third frequency (col. 8 line 57 – col. 9 line 5, wherein it is obvious that the device is enabled when it exits area 30). However, Brown fails to disclose the signal is a light wave.

In an analogous art, Lipovski teaches the signal is a light wave (control signal 105 – figure 1, col. 2 lines 24-35, wherein the control signal is an ultrasound control signal).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify Brown's system to include the signal is a light signal, as taught by Lipovski, for the advantage of selectively preventing the user of wireless communication devices within certain confines or under certain conditions (col. 1 lines 32-44).

However, the combined system of Brown and Lipovski fails to teach the light wave having a predetermined flicker frequency.

It is an admitted prior art that flicker frequency is well known in the art and that a skilled person in the art would understand the benefit of using a flicker frequency.

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Brown and Lipovski to include the light wave having a predetermined flicker frequency, as taught by admitted prior art, for the advantage of adapting the right frequency.

4. Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,690,940 Brown et al. (Brown), US Patent No. 7,142,877 (Lipovski and admitted prior art as applied to claim 1 above, and further in view of US Patent No. 6,782,266 Baer et al. (Baer).

Considering claim 18, the combined system of Brown, Lipovski and the admitted prior art teaches the system as described above. However, the combined system fails to disclose a storage unit that receives information to be transmitted over the radio wave

after the stop cancellation unit allows the radio communication unit to perform radio communication, and that stores the information.

In an analogous art, Baer teaches a storage unit that receives information to be transmitted over the radio wave after the stop cancellation unit allows the radio communication unit to perform radio communication, and that stores the information (memory 156 – figure 1, col. 4 lines 54-61).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Brown, Lipovski and admitted prior art to include a storage unit that receives information to be transmitted over the radio wave after the stop cancellation unit allows the radio communication unit to perform radio communication, and that stores the information, as taught by Baer, for the advantage of storing information.

Considering claim 19, the combined system of Lipovski, Edstam and the admitted prior art teaches the system as described above. However, the combined system fails to disclose an alternative communication unit that holds alternative communication over a medium other than the radio wave when radio communication is stopped.

In an analogous art, Baer teaches an alternative communication unit that holds alternative communication over a medium other than the radio wave when radio communication is stopped (second transceiver 152 – figure 3, col. 5 lines 35-49).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Lipovski, Edstam and the admitted prior art to include an alternative communication unit that holds alternative communication over a medium other than the radio wave when radio communication is stopped, as taught by Baer, for the advantage of providing an alternate communication method.

5. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,690,940 Brown et al. (Brown), US Patent No. 7,142,877 (Lipovski) and admitted prior art as applied to claim 17 above, and further in view of US Patent No. 6,760,605 Vannel et al. (Vannel).

Considering claim 20, the combined system of Brown, Lipovski and the admitted prior art teaches the system as described above. However, the combined system fails to disclose restarting radio communication.

In an analogous art, Vannel teaches restarting radio communication (col. 5 lines 28-31).

It would have been obvious for one of ordinary skill in the art at the time the invention was made to modify the combined system of Brown, Lipovski and the admitted prior art to include restarting radio communication, as taught by Vannel, for the advantage of getting the system in default mode (col. 5 lines 28-31).

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Au whose telephone number is (571) 272-2822. The examiner can normally be reached on 8am-5pm Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent P. Harper can be reached on (571) 272-7605. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

/Gary Au/
Examiner, Art Unit 2617